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ACTION
 is assigned to

United States Senate
 COMMITTEE ON FOREIGN RELATIONS

Ref. doptd. 7/23
LEGAL ADVISER
4:19 PM

AUG 21 1953

DEPARTMENT OF STATE

August 20, 1953.

Mr. Stanley D. Metzger
 Assistant Legal Adviser for Economic Affairs
 Department of State
 Washington, D.C.

Dear Mr. Metzger :

Senator Fulbright has sent to the Committee the enclosed letter addressed to him by W. Maxfield Garrett, Seinan Gakuin, Nishijin Machi, Fukuoka City, Japan. The Senator has asked for material which he might send to Mr. Garrett.

The Committee is sending the hearings and report on the Commercial Treaties. If there is any comment the Department might make on the points covered in the letter, it might be helpful to have them so that they could be sent to the Senator, who will reply to Mr. Garrett.

Will you please return the letter to us ?

Sincerely,

C.C. O'Day
 Clerk- Committee on Foreign Relations.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *[Signature]* DATE *9-30-53*
 RDS ☐ or XDS ☐ EXT. DATE _____
 TS AUTH. _____ REASON(S) _____
 ENDORSE EXISTING MARKINGS ☐ *1/1/53*
 DECLASSIFIED ☐ RELEASABLE ☒
 RELEASE DENIED ☐ N/R 1/1/53
 PA or FOI EXEMPTIONS _____

201229

DC/R
 Anal *37*
 Rev *1*
[Signature]

OCT 21 1953

FILED

THIS DOCUMENT MUST BE RETURNED TO
 DCR 611.944/8-2053
 Central
 Files

611.944/8-2053
 A/58

SEINAN GAKUIN

Nishijin Machi

Fukuoka City, Japan

August 13, 1953

past-
Office of the President

Senator J. William Fulbright
Washington, D. C., U.S.A.

Dear Senator Fulbright:

As an Arkansas living abroad I have been very happy over your constructive service to our country and to the world, especially in the field of foreign relations.

More personal contacts with your name--and work--include a nephew who has just returned to America from study at Oxford on a Fulbright Scholarship and two faculty members of Seinan Gakuin University who expect to sail soon for study in Michigan and Stanford on Fulbright Scholarships.

At the annual Mission Meeting of Southern Baptist missionaries, just held in Kyoto, it was brought to my attention that the now-pending Treaty of Friendship, Commerce, and Navigation between the United States and Japan had been ratified by the Senate with reservations about the privileges of Japanese professional people to practice their professions in the United States. It was pointed out that this would probably mean similar restrictions being placed by Japan on professional practice by American citizens over here, which might create serious difficulties for our missionary teachers and doctors in the future.

This morning's Nishi Nippon Newspaper carries (as its leading article on page 2) a discussion of measures which Japan should take in response to the American reservations. It points out that the reservation was made because many States prohibit the practice of professions by foreign nationals within their borders, and suggests that the appropriate counter-measure would be to prohibit professional practice here by persons from those States.

I confess that I am not familiar with the laws of Arkansas and other Southern States at this point, and so do not know how directly our Mission would be affected by such a measure. From a more basic standpoint, however, I should like to suggest for your consideration the following question:

1. Is the restriction of professional activity a wholesome thing for the United States or for the world at large?
2. Are the States within their constitutional rights in making discriminations on the basis of foreign citizenship, or is this area not rather included in the treaty-making powers reserved to the national government?
3. What practical steps can you--and I--now take to bring about a wholesome and mutually beneficial settlement of this question?

Sincerely

/s/ W. Maxfield Garrott

W. Maxfield Garrott

1/5- Mr Metzger.

en 776

Aug 26

Stan,

As agreed by
phone, I'm
sending this
back so that you
can change the
phrase "trusts, of course"
to "hopes."

Mark it cleared in NAT
when change is made

Arnold

August 27 1953

In reply refer to
L/E 611,944/8-2053

My dear Senator Wiley:

Reference is made to the letter of August 20, 1953 from Mr. O'Day addressed to Mr. Stanley E. Metzger, enclosing a letter addressed to Senator Fulbright in connection with the reservation on the practice of professions in the Japan-United States Treaty of Friendship, Commerce and Navigation. As you know, the Department's position on the clause relating to the practice of professions was set forth in detail in the findings on the commercial treaties in 1932, and is very fully summarized in the report of the Committee on Foreign Relations of this year, a copy of which has been provided Senator Fulbright.

There is really nothing more which can now be added to what the Department has already stated in respect of the professions clause. The Department has, of course, that our own States and Japan will not now become involved in respect of imposing any new citizenship requirements in the way of practicing professions beyond what are now in effect.

Pursuant to your request, the letter to Senator Fulbright is returned herewith.

Sincerely yours,

Enclosure:

Letter of
August 13, 1953.

The Honorable
Alexander Wiley, Chairman
Committee on Foreign Relations,
United States Senate

Thornton E. Norton
Assistant Secretary

Do/R	
Anal	✓
Rev	
Est	✓

S/S - CR

AUG 26 1953 P.M.

L: L/E: SD Metzger: blm
8/24/53 8/26/53

(See attached letter
for clearance)

611,944/8-2053

627CB

In reply refer to
L/E 611,944/8-2053

My dear Senator Wiley:

Reference is made to the letter of August 20, 1953 from Mr. O'Day addressed to Mr. Stanley D. Metzger, enclosing a letter addressed to Senator Fulbright in connection with the reservation on the practice of professions in the Japan-United States Treaty of Friendship, Commerce and Navigation. As you know, the Department's position on the clause relating to the practice of professions was set forth in detail in the hearings on the commercial treaties in 1952, and is very fully summarized in the report of the Committee on Foreign Relations of this year, a copy of which has been provided Senator Fulbright.

There is really nothing more which can now be added to what the Department has already stated in respect of the professions clause. The Department trusts, of course, that our own States and Japan will not move backward in respect of imposing any new citizenship requirements in the way of practicing professions beyond what are now in effect.

Pursuant to your request, the letter to Senator Fulbright is returned herewith.

Sincerely yours,

Enclosure:

Letter of
August 13, 1953

Thornton E. Horton
Assistant Secretary

The Honorable
Alexander Wiley, Chairman
Committee on Foreign Relations,
United States Senate.

S/S - CR
AUG 25 1953 A.M.
NA

L:L/E:SDMetzger:blm
8/24/53
RM 2

CP (Mr. Walker)

and
NA